

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AGERE SYSTEMS, INC., et al.,

Plaintiff,

v.

ADVANCED ENVIRONMENTAL  
TECHNOLOGY CORPORATION, et al.,

Defendants.

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CIVIL ACTION NO.  
02-cv-3830 (LDD)

**DECLARATION OF MELISSA E. FLAX IN SUPPORT OF HANDY &  
HARMAN TUBE COMPANY, INC.'S MOTION TO STRIKE  
PLAINTIFFS' SUPPLEMENTAL RESPONSE TO JOINT CONTENTION  
INTERROGATORY NO. 123 AND FOR OTHER RELIEF**

1. I am a member of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, attorneys for defendant Handy & Harman Tube Company, Inc. ("H&H Tube") and am admitted *pro hac vice* before this Court in connection with the above captioned matter.

2. I submit this declaration in support of H&H Tube's Motion To Strike Plaintiffs' Supplemental Response To Joint Contention Interrogatory No. 123 And For Other Relief.

3. Attached hereto as Exhibit A is a true and accurate copy of the March 15, 2007 letter to Glenn A. Harris, Esq. from Melissa E. Flax, Esq. serving Defendants' Joint Contention Interrogatories.

4. Attached hereto as Exhibit B is a true and accurate copy of the April 17, 2007 letter from Amy Trojecki, Esq. to Defendants' counsel serving Plaintiffs' Responses to Defendants' Joint Contention Interrogatories.

5. Attached hereto as Exhibit C is a true and accurate copy of the April 30, 2007 deficiency letter to Glenn A. Harris, Esq. from Jeffrey Pettit, Esq. relating to Plaintiffs' responses to Defendants' Joint Contention Interrogatories.

6. Attached hereto as Exhibit D is a true and accurate copy of the May 7, 2007 letter from Glenn A. Harris to Defendants' counsel responding to the April 30, 2007 letter.

7. Attached hereto as Exhibit E is a true and accurate copy of the October 29, 2007 Order granting in part and denying in part Defendants' various motions to compel.

8. Attached hereto as Exhibit F is a true and accurate copy of Joint Contention Interrogatory No. 123 and Plaintiffs' original response to Joint Contention Interrogatory No. 123.

9. Attached hereto as Exhibit G is a true and accurate copy of the Court's January 11, 2008 Memorandum and Order.

10. Attached hereto as Exhibit H is a true and accurate copy of relevant portions of Plaintiffs' Fifth Amended Complaint.

11. Attached hereto as Exhibit I is a true and accurate copy of Plaintiffs' February 8, 2008 supplemental response to Joint Contention Interrogatory No. 123.

12. Attached hereto as Exhibit J is a true and accurate copy of the February 9, 2005 Order.

I declare under penalty of perjury that the foregoing is true and accurate. Executed on this 31<sup>st</sup> day of March, 2008.

 [MF1386]  
MELISSA E. FLAX